

# History of InstaCheck in Colorado

- 1993 November Brady Handgun Violence Prevention Act- Mandated National InstaCheck System for Firearms Transfers
- 1994 November InstaCheck Created (Licensed Dealers Only; Gun Shows Not Included) By General Assembly
- 1999 31 March InstaCheck Ceases Operation in Colorado, Authorized Legislation Expired
- 1999 20 April 15 Die at Columbine High School After Weapons Were Acquired Through Straw Purchase at Gun Show
- 1999 04 June Jessica Gonzales Obtains Permanent Protection Order Naming Simon Gonzales
- 1999 22 June Simon Gonzales Clears FBI NICS Check and Buys a \$375 Handgun from an FFL
- 1999 23 June Uses Handgun to Kill Jessica's Three Daughters; Dies in Shootout with Castle Rock PD
- 1999 01 July Gov. Bill Owens Signs Executive Order Restoring Colorado InstaCheck, Authorizing CBI in 2000, S.B 00-125
- 1999 01 July When Signing the Order, Gov. Owens Notes, ***"Last week's tragic murder of three young girls In Castle Rock revealed a gaping hole in the federal background check system. I am acting today to have the CBI close that gaping hole."*** (Rocky Mountain News, 02 JUL 99)
- 2001 31 March Following Passage of Amendment 22, Legislature Enacts Statute Covering Background Checks at Gun Shows
- 2003 18 May Colorado Concealed Handgun Permit laws enacted; CBI Firearm Checks on behalf of Colorado Sheriffs, C.R.S. 18-12-208
- 2010 06 June Passage of House Bill 10-1411- Revision of CBI Appeal Process



## InstaCheck

# CBI InstaCheck Unit

- Total Full Time Employees:
  - 21 Full Time Employees
  - 4 Supervisors
  - 1 Agent in Charge
- Total Appropriation Budget: \$1,673,271.00
- Statute Authority: C.R.S. 24-33.5-424
- Functions of CBI InstaCheck
  - Firearm Transfers
  - Appeals
  - Concealed Handgun Permits



## InstaCheck

# InstaCheck

## Customer Service

- Quality product in our background checks.
- Providing dealers with direct access to our office for procedural questions.
- Providing denied buyers direct access to our appeals unit for questions regarding appeals procedures.



# InstaCheck

# InstaCheck

## Background Transfers Function

CBI InstaCheck utilizes 7 different databases to perform the background checks

1. DMV- (Utilized to validate the information provided by the FFL)\*
2. CCIC- (Colorado Crime Information Center)\*
3. NCIC- (National Crime Information Center)
4. III- (Interstate Identification Index)
5. NICS Index- (Prohibited Persons)
6. ICE- (Immigrations and Customs Enforcement)
7. PAS- (Colorado State Courts Data Access)\*

\*Databases not searched by FBI NICS



# InstaCheck

# InstaCheck

## Firearms Transfers Function

- Employees:
  - 16 Full Time Employees
- Operations of the Unit
  - Perform background checks for all licensed FFL(Federal Firearm Licensees) within the state of Colorado and gun shows
  - Background Transfers at Gun Shows
  - Direct customer service to all license Federal Firearm Licensees



# InstaCheck

# InstaCheck

## Background Transfers Function

From CY 2004 to CY 2012 InstaCheck denied 15,453 individuals who would not have been identified by FBI NICS based on information found in PAS (Judicial Database) and CCIC. This included some of these types of prohibitors:

- Domestic Protection Orders not in NCIC
- Felony Juvenile adjudications
- Domestic Violence convictions found in PAS (Judicial Database)
- Fugitives of Justice (CBI affected the arrest of 236 subjects in 2012)
- Prohibiting felony convictions found in CCIC only



# InstaCheck



# InstaCheck Firearms Transfers Function

## Firearm Prohibitors

### 4.13.1 Federal Firearm Prohibitors:

- 18, U.S.C. §922 (g) (1) - Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year
- 18, U.S.C. §922 (n) - Is under indictment for a crime punishable by imprisonment for a term exceeding one year
- 18, U.S.C. §922 (g) (2) - Is a fugitive from justice
- 18, U.S.C. §922 (g) (3) - Is an unlawful user of or addicted to any controlled substance
- 18, U.S.C. §922 (g) (4) - Has been adjudicated as a mental defective or committed to a mental institution
- 18, U.S.C. §922 (g) (5) - Is illegally or unlawfully in the United States
- 18, U.S.C. §922 (g) (6) - Has been discharged from the Armed Forces under dishonorable conditions
- 18, U.S.C. §922 (g) (7) - Having been a citizen of the United States, has renounced U.S. citizenship
- 18, U.S.C. §922 (g) (8) - Is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or child of such intimate partner
- 18, U.S.C. §922 (g) (9) - Has been convicted in any court of a misdemeanor crime of domestic violence

### Colorado Only Prohibitor

- C.R.S. 18-12-108(3) and (4)(c) - Has been Adjudicated Delinquent for a crime which if committed as an adult would be a felony



# InstaCheck

# InstaCheck Firearms Transfers Function

- CBI InstaCheck can take checks from dealers via the phone and the internet.
- CBI InstaCheck internet site went live in 2002. CBI now takes 94% of background checks via the internet.
- CBI approves 98% of checks run with a 2% denial rate.
- In CY 2004, InstaCheck ran a total of 146,518 checks.
- In CY 2012 InstaCheck ran a total of 343,302 checks.

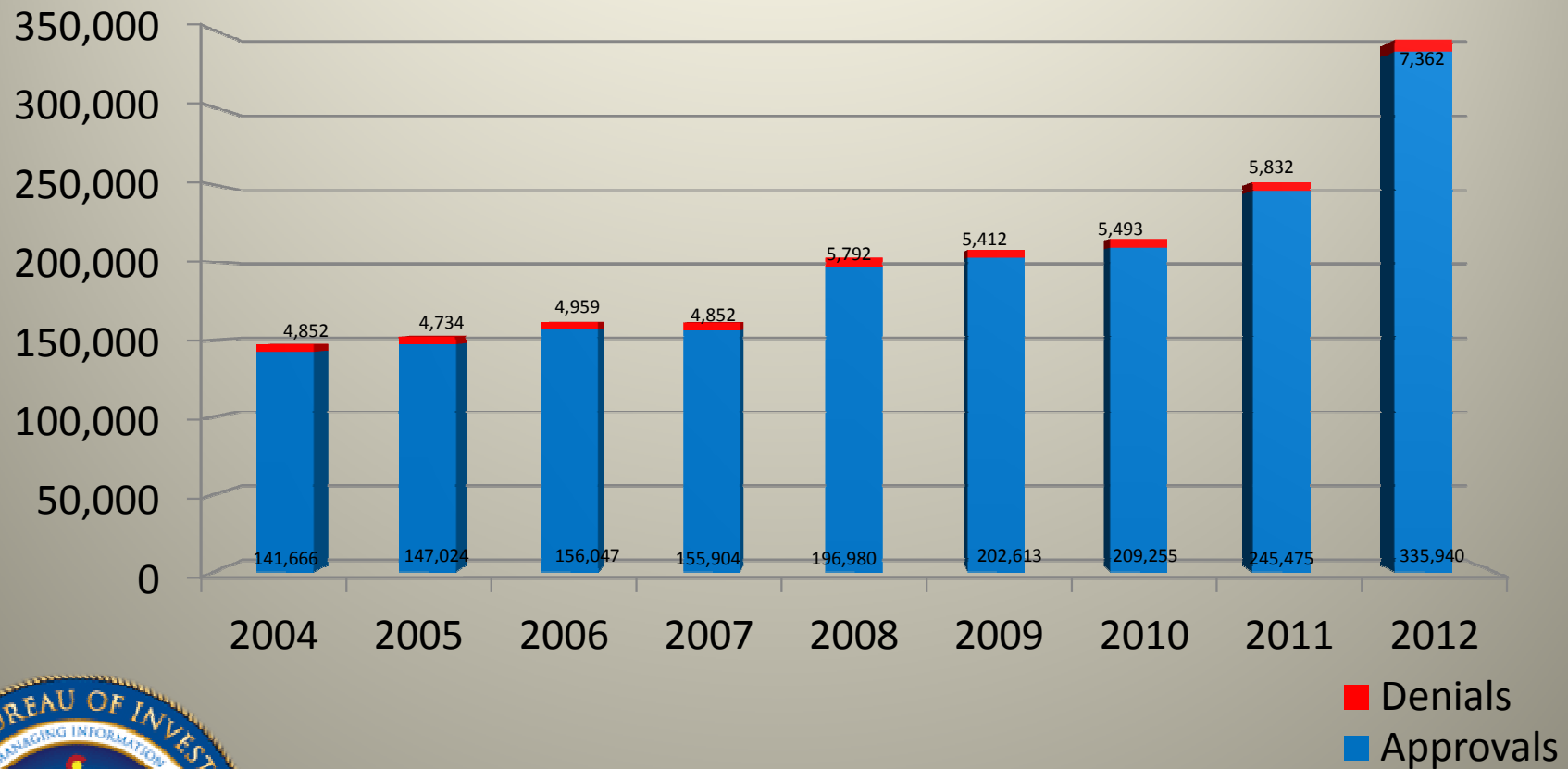


## InstaCheck



# InstaCheck Firearms Transfers Function

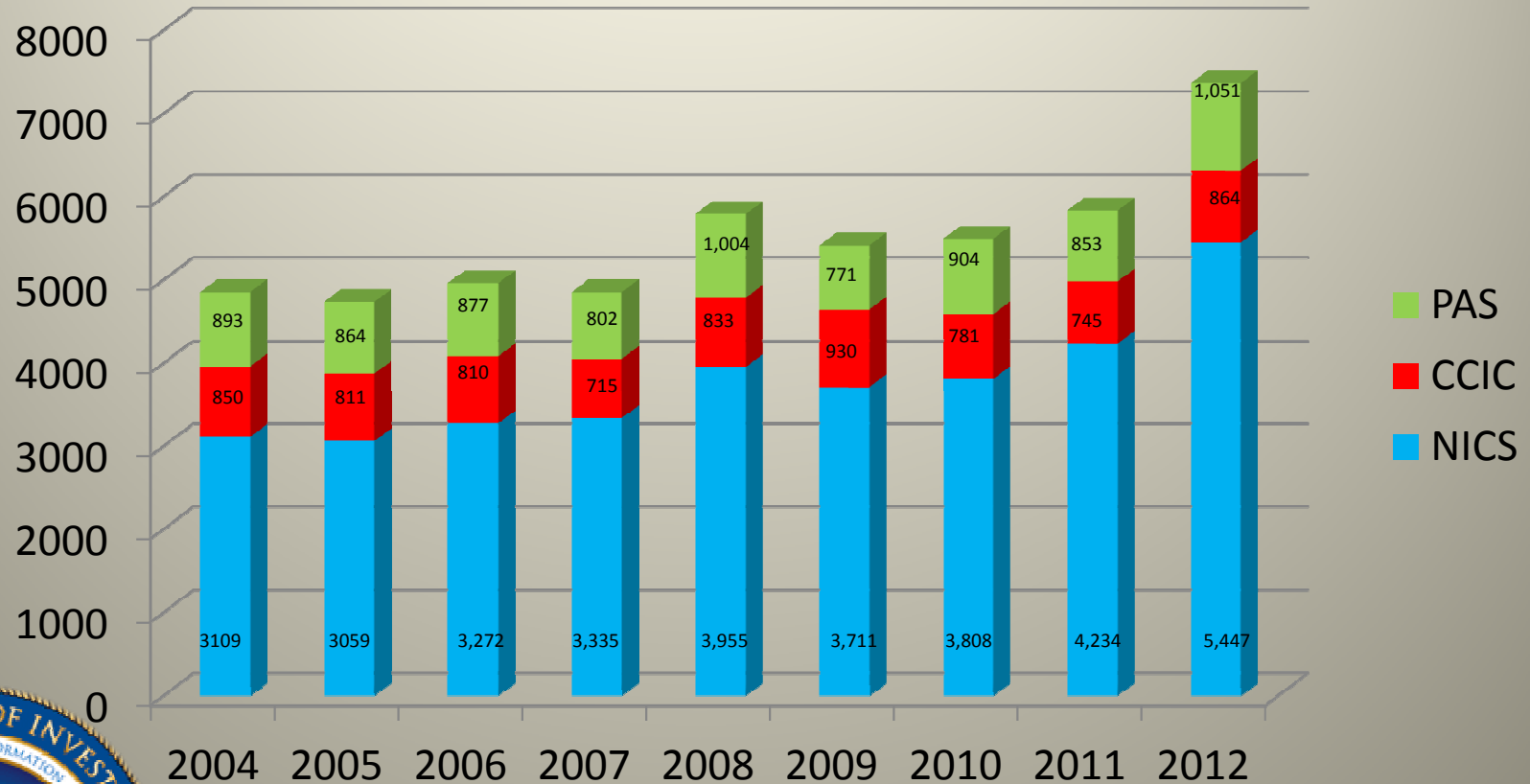
CY 2004- CY 2012 Approvals vs. Denials



## InstaCheck

# InstaCheck Firearms Transfers Function

CY 2004- CY 2012 Denials Available to FBI NICS  
vs. Unavailable to FBI NICS



## InstaCheck

# InstaCheck Appeals Function

## ➤ Employees:

- 2 Full Time Employees.

## ➤ Functions:

- Provide a method for denied buyers to appeal a firearms transfer denial.
- Provide appellants with information regarding the appeals process and what constitutes a denial of firearms transfer.



# InstaCheck

# InstaCheck Appeals Function

## House Bill 10-1411

- Prior to House Bill 10-1411 (June 6, 2010), denied individuals were required to provide documentation to resolve the firearm denial
- House Bill 10-1411 shifted the obligation of conducting research to the CBI to be completed within 30 days



# InstaCheck

# InstaCheck Appeals Function

## Appeal Status

- Appellant denial may be reversed or upheld based on information received.
- CBI updates the Colorado Criminal History record with accurate disposition information for any future inquiry
- If information is not received within a 30 day time frame, a transfer letter is mailed to both the appellant and the Federal Firearm Licensee. The letter explains that CBI is unable to substantiate the grounds for continued denial and the transaction will no longer be denied.
- Should information be received at a later date, CBI will retrieve the Firearm.

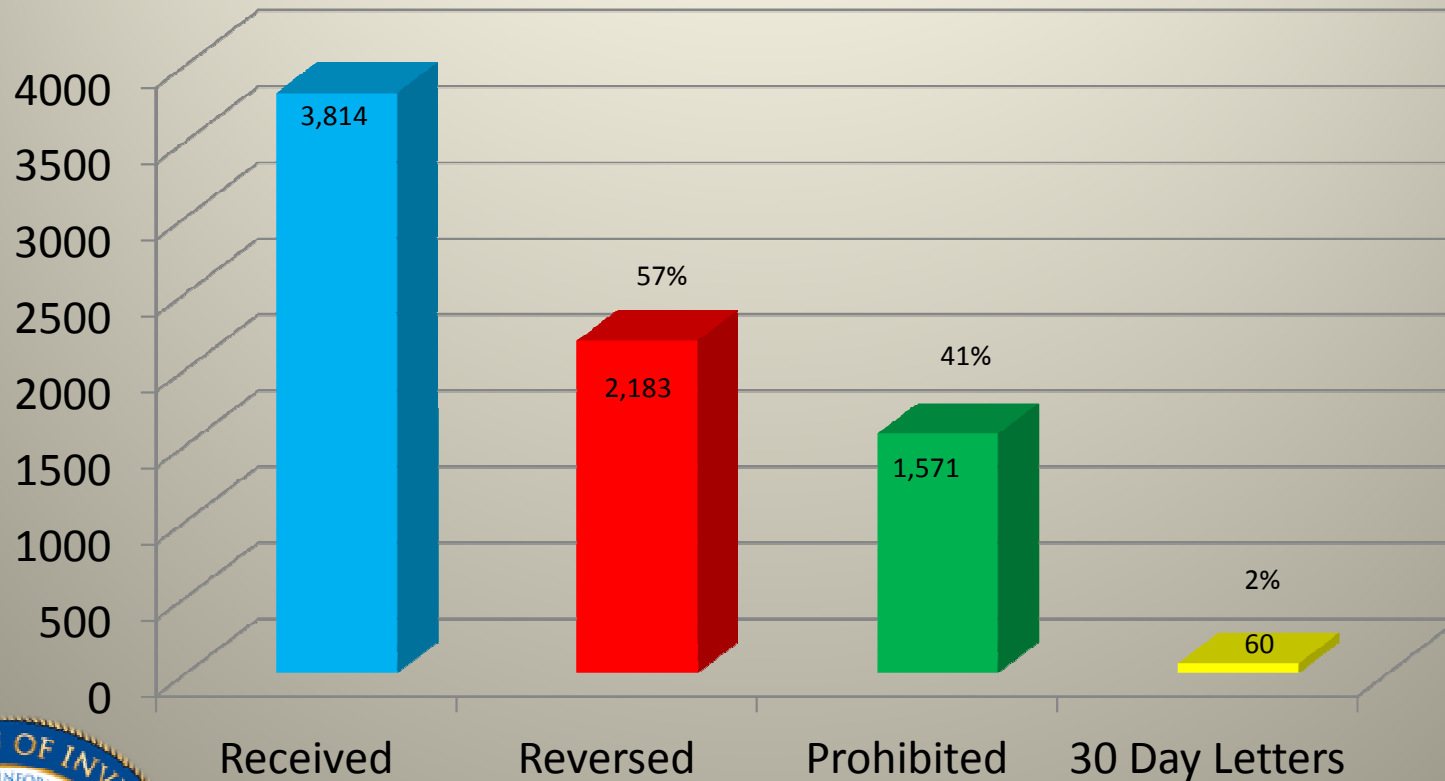


# InstaCheck



# InstaCheck Appeals Function

## Total Appeals for CY 2012



# InstaCheck

# InstaCheck Concealed Handgun Permit (CHP) Function

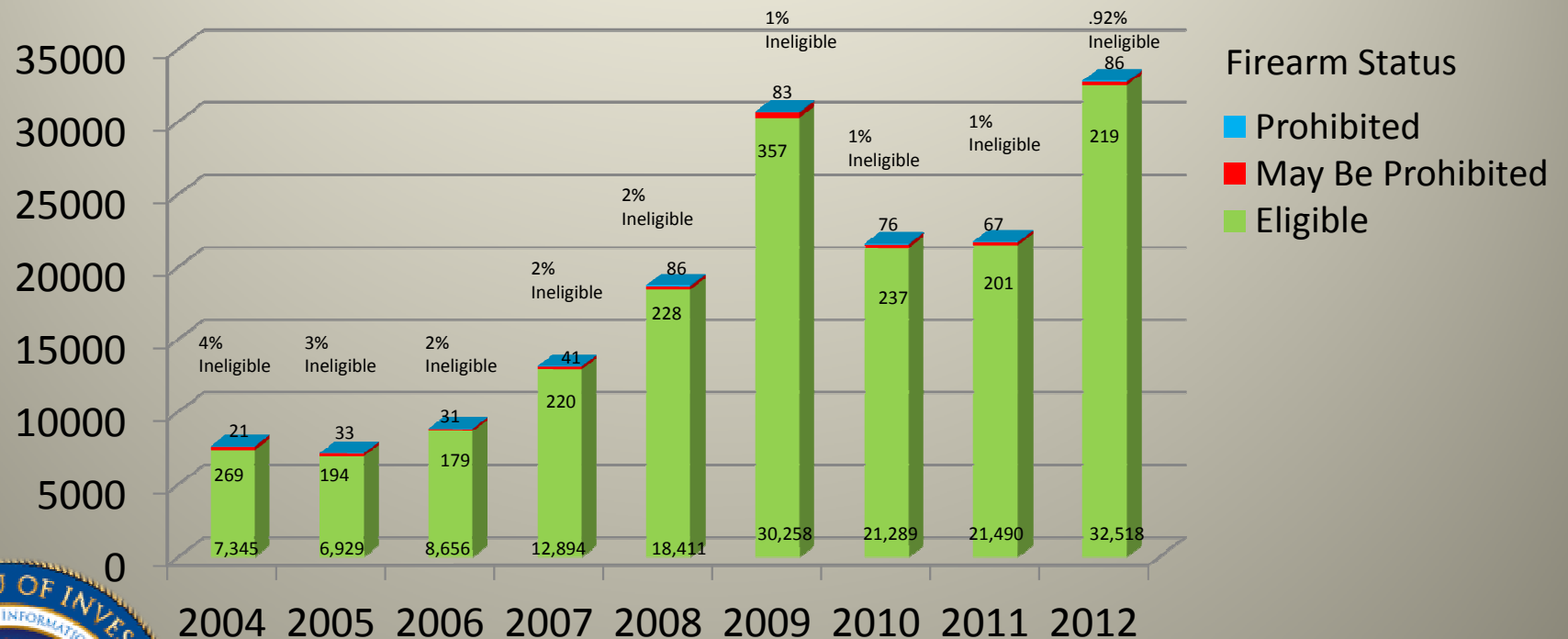
- Employees:
  - 3 Full Time Employees
- Functions:
  - A cash funded program; Receiving \$13.00 per background check.
  - Conduct Firearm eligibility background check, review state/federal fingerprint results and forward a consolidated report back to the Colorado Sheriff's offices. Statute C.R.S 18-12-208.
  - Processed more than 168,630 concealed carry background checks on behalf of Colorado Sheriff's offices since 2003.
  - Processed a record high of 32,823 CHP background checks in CY 2012



## InstaCheck

# InstaCheck Concealed Handgun Permit Function

## CY 2004-CY 2012 Yearly CHP Totals Prohibited, May Be Prohibited and Eligible



# InstaCheck

# InstaCheck Concealed Handgun Permit (CHP)

- Point of contact for all CHP Reciprocity related issues for the State of Colorado
- Conduct annual CHP training with Colorado Sheriff's Offices regarding State and Federal Statutes
- On behalf of the County Sheriffs, the CHP section records, analyzes, forwards and reports all Subsequent Arrest Notifications related to concealed permit records processed by the CBI.

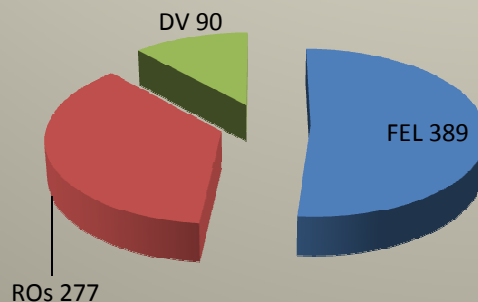


## InstaCheck

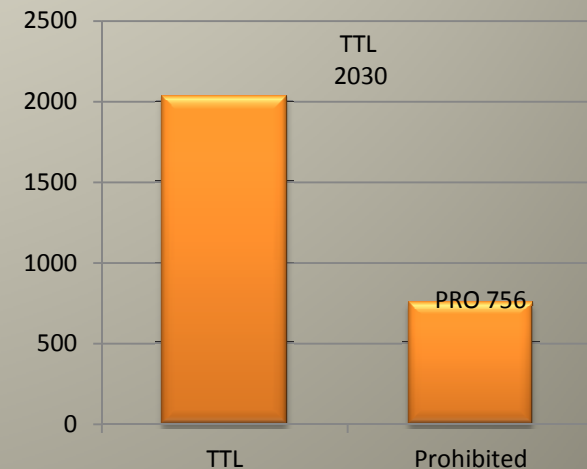
# InstaCheck Concealed Handgun Permit (CHP)

- February 2011 through December 31, 2012, 756 out of 2,030 arrest notifications resulted in a prohibited status.
  - 389 persons prohibited for Felony Charges
  - 277 persons prohibited for Arrests, Restraining/Protection Orders with Brady/Firearms Restrictions
  - 90 Persons prohibited for Misdemeanor Crimes of Domestic Violence (MCDV) related charges

Type of Prohibiting



Prohibiting



## InstaCheck



**CBI INSTACHECK UNIT  
FIREARM STATISTICS  
DECEMBER 2012**

<u>TYPE OF TRANSACTION</u>	<u>APPROVALS</u>	<u>PERCENT</u>	<u>DENIALS</u>	<u>PERCENT</u>	<u>TOTAL</u>
HANDGUN	26,656	97.97%	552	2.03%	27,208
LONG GUN	26,887	98.19%	496	1.81%	27,383
BOTH	2,315	98.59%	33	1.41%	2,348
OTHER	933	99.36%	6	0.64%	939
<b>TOTAL</b>	<b>56,791</b>	<b>98.12%</b>	<b>1,087</b>	<b>1.88%</b>	<b>57,878</b>

**ANNUAL TOTALS**

YEAR 2008 TOTAL	196,980	97.14%	5,792	2.86%	202,772
YEAR 2009 TOTAL	202,613	97.40%	5,412	2.60%	208,028
YEAR 2010 TOTAL	209,255	97.44%	5,493	2.56%	214,748
YEAR 2011 TOTAL	245,475	97.68%	5,832	2.32%	251,307
2012 YTD TOTAL	335,940	97.86%	7,362	2.14%	343,302

**REASONS FOR DENIAL**

	<u>ARREST</u>	<u>CONVICTION</u>	<u>FUGITIVE</u>	<u>TOTAL</u>	<u>2012 - YTD</u>
RESTRAINING ORDER	2	0	0	63	420
HOMICIDE	3	2	0	5	38
KIDNAPPING	2	0	0	2	12
SEXUAL ASSAULT	9	14	0	23	133
ROBBERY	6	2	0	8	76
ASSAULT	138	81	3	222	1,380
BURGLARY	40	38	0	78	618
LARCENY	30	40	9	79	498
DANGEROUS DRUGS	96	87	10	193	1,069
OTHER	133	162	119	414	3,118
<b>TOTAL</b>	<b>459</b>	<b>426</b>	<b>141</b>	<b>1,087</b>	
<b>2012 - YEAR TO DATE TOTAL</b>	<b>2655</b>	<b>2958</b>	<b>1335</b>	<b>7,362</b>	

**ARRESTS BASED ON WARRANTS**

TOTAL FOR MONTH	13
YEAR TO DATE	236

\* Due to the high volume experienced in December, Average Queue Times are not available between 12/13/2012 - 12/31/2012. The approximate Average Queue time for the Internet/Phone from this time period ranged from 7 - 10 days.

**QUEUE TIMES**

INTERNET:	Median Queue Time: 49 min 43 sec*
	Average Queue Time: 49 min 05 sec*
PHONES:	Median Queue Time: 45 min 34 sec*
	Average Queue Time: 41 min 01 sec*

**PROCESSING TIME**

Average Process Time: 3 min 32 sec

**TRANSACTIONS**

	<u>INTERNET</u>		<u>PHONE</u>
HANDGUN	25,482	*	1,726
LONG GUN	25,706	*	1,677
BOTH	2,171	*	177
OTHER	874	*	65
<b>TOTAL</b>	<b>54,233</b>	*	<b>3,645</b>
<b>%</b>	<b>93.70%</b>	*	<b>6.30%</b>

**TRANSACTION COMPARISON**

<u>2012 - YEAR TO DATE</u>		<u>2011 TOTALS</u>	
<u>INTERNET</u>	<u>PHONE</u>	<u>INTERNET</u>	<u>PHONE</u>
<u>FROM</u>	<u>CHECKS</u>	<u>CHECKS</u>	<u>CHECKS</u>
1/1/2012	1/1/2012	2011	2011
HANDGUN	160,436	9,263	112,082
LONG GUN	146,557	11,471	106,689
BOTH	10,026	807	9,522
OTHER	4,449	293	0
<b>TOTAL</b>	<b>321,468</b>	<b>21,834</b>	<b>228,293</b>
<b>%</b>	<b>93.64%</b>	<b>6.36%</b>	<b>90.84%</b>

**CONCEALED HANDGUN PERMITS**

	<u>December</u>	<u>YEAR TO DATE</u>		<u>December</u>	<u>June 2003 to</u>
<b>STATUS</b>	<b>2012</b>	<b>2012</b>		<b>2011</b>	<b>Date</b>
ELIGIBLE	1846	32518	*	1281	165762
MBI	16	219	*	8	2325
PROHIBITED	3	86	*	2	543
<b>TOTAL</b>	<b>1865</b>	<b>32823</b>	*	<b>1291</b>	<b>168630</b>

REV 1/28/2013



# Statistical Data InstaCheck